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United States; McKinsey & Company, Inc.  
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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: MCKINSEY & CO., INC.  
NATIONAL PRESCRIPTION OPIATE  
CONSULTANT LITIGATION

This Document Relates to:

ALL NAS ACTIONS

Case No. 21-md-02996-CRB (SK)

**JOINT CASE MANAGEMENT AND  
[PROPOSED] DISCOVERY ORDER**

Judge: Hon. Charles R. Breyer

Courtroom: 6, 17th Floor

**I. Cooperation**

The parties agree to work together to coordinate discovery to the maximum extent feasible to promote the efficient and speedy resolution of this MDL, and, to that end, the following discovery schedule and procedures are established.

**II. New NAS Complaints**

Deadline to amend NAS Master Complaint or add parties: August 30, 2024. After that date, any new NAS plaintiffs may file complaints in this MDL Proceeding and may incorporate therein any allegations set forth in the NAS Amended Master Complaint (Doc. 582) by reference to paragraph numbers. In addition to incorporating allegations from the master complaint, plaintiffs are permitted to include supplemental allegations specific to their individual circumstances.

**III. Responses to Complaints and Service and Discovery**

McKinsey shall file an answer to the NAS Master Complaint or any Amended Master Complaint filed pursuant to § II no later than 45 days of the filing of any Amended Master Complaint. The parties agree to meet and confer to discuss a deadline for McKinsey to respond to any complaint filed after the Amended Master Complaint.

**IV. Discovery**

a. *Service.* All discovery requests and written responses and objections may be served by email; for purposes of calculating the deadline to respond, email service will be treated the same as hand-delivery. Defendants shall serve discovery requests and written responses and objections on Plaintiffs' Lead Counsel and/or her designee at [ecabraser@lchb.com](mailto:ecabraser@lchb.com) and [efastiff@lchb.com](mailto:efastiff@lchb.com) and additionally on NAS Plaintiffs' Counsel Scott R. Bickford at [srb@mbfirm.com](mailto:srb@mbfirm.com) and [avinet@mbfirm.com](mailto:avinet@mbfirm.com). Plaintiffs shall serve discovery requests, plaintiff fact sheets, and other written discovery responses and objections on James Bernard, [jbernard@hoganlovells.com](mailto:jbernard@hoganlovells.com), and Mark David McPherson, [mmcpherson@goodwinlaw.com](mailto:mmcpherson@goodwinlaw.com).

b. *Rule 26 Initial Disclosures.* To the extent that new NAS plaintiffs are added pursuant to § II, plaintiffs shall furnish Rule 26 initial disclosures on or before 30 days following the filing of the Amended Master Complaint or their new complaints.

1 c. *Written Discovery.* Unless otherwise specified herein, written discovery  
 2 requests, and responses and objections thereto, shall be made in accordance with the Federal  
 3 Rules of Civil Procedure and the Local Rules of the U.S. District Court for the Northern District  
 4 of California.

5 i. *Existing Discovery:* By August 9, 2024, the parties shall identify  
 6 any outstanding written discovery which they contend has not been  
 7 answered and the parties shall have until September 9, 2024, to  
 8 respond to any outstanding written discovery, without waiver of  
 9 any party's right to object to the timeliness of such a response.

10 ii. *Additional Discovery:* Should the parties serve additional written  
 11 discovery, they shall serve such requests on opposing counsel as set  
 12 forth above by October 31, 2024. Unless otherwise agreed by the  
 13 parties or by order of the Court, the parties shall respond to  
 14 additional discovery requests within 30 days of service. Deadlines  
 15 for production of documents in connection with any such additional  
 16 discovery requests will be negotiated by the parties after such  
 17 discovery is served.

18 iii. *Appropriate limits on interrogatories:* The Stipulation and Order  
 19 entered on May 5, 2023 (ECF No. 542) governs the number of  
 20 interrogatories each side may propound.

21 iv. *Third Party Discovery:* To the extent that either party wishes to  
 22 engage in discovery of any type of Third Parties, such discovery  
 23 shall be served and conducted so that it may be completed by the  
 24 Fact Discovery Cutoff noted below.

25 d. *Document Production*

26 i. *Deadline for the parties to submit a plan for production of 2804 MDL*  
 27 *Database, pursuant to May 5, 2023 Order (ECF No. 543):* August  
 28 30, 2024.

ii. *Deadline for McKinsey to complete production of opioid- and deletion-related documents produced to, and communications with, regulators:* December 13, 2024.

iii. *Substantial Completion of Document Production by Plaintiffs and McKinsey:* January 31, 2025.

e. *Depositions:* Either party may serve deposition notices on opposing counsel as set forth above. Depositions shall be noticed, responded to and conducted in accordance with the Federal Rules of Civil Procedure and the Local Rules of the U.S. District Court for the Northern District of California.

f. *Fact Discovery Cutoff:* 180 days after Substantial Completion of Document Production; provided, however, that in the event any dispute arising from any party's responses and objections to interrogatories or requests for production is pending at the time the Fact Discovery Cutoff passes, the Cutoff as to the disputed materials shall be extended 45 days from the date the issue is resolved by the Court.

g. *General Causation Expert Reports:* 90 days after Fact Discovery Cutoff.

h. *Defendant Expert Rebuttal Reports:* 45 days after Expert Reports and Plaintiff Expert Rebuttal Reports 60 Days after Expert Reports.

i. *Expert Discovery Cutoff:* 90 days after Expert Rebuttal Reports.

j. No later than 30 days after the Expert Discovery Cutoff, the parties shall meet and confer and submit a proposed schedule for *Daubert* motions and dispositive motions. If the parties are unable to agree, then each side shall submit its own proposal with a memorandum (not to exceed two pages, double spaced) explaining why the Court should adopt that party's proposal.

## V. **Bellwether Protocol**

On or before **February 28, 2025**, the parties shall meet and confer and submit a proposed bellwether protocol, including a selection process, timelines, plaintiff-specific discovery and expert deadlines, and trial in 2025.

1 **VI. Discovery Dispute Resolution**

2 Discovery disputes will be raised with Magistrate Judge Kim and shall be resolved  
3 consistent with Judge Kim's Standing Order regarding civil discovery.

4 **IT IS SO STIPULATED.**

5  
6  
7  
8 Dated: July 18, 2024

By: /s/ Elizabeth J. Cabraser

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15 *Plaintiffs' Steering Committee*

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By: /s/ Mark David McPherson

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*Washington D.C.; and McKinsey Holdings, Inc.*

**CASE MANAGEMENT ORDER**

The above JOINT CASE MANAGEMENT & [PROPOSED] DISCOVERY ORDER is approved as the Case Management Order for this case and all parties shall comply with its provisions.

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_

\_\_\_\_\_  
CHARLES R. BREYER  
United States District Judge